

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Phillips

H.B. No. 3838

A BILL TO BE ENTITLED

AN ACT

relating to motorcycle equipment and training requirements.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. This Act shall be known as Malorie's Law.

SECTION 2. Section 545.416(b), Transportation Code, is amended to read as follows:

(b) An operator may not carry another person on the motorcycle, and a person who is not operating the motorcycle may not ride on the motorcycle, unless the motorcycle is:

(1) designed to carry more than one person; and

(2) equipped with footrests and handholds for use by the passenger.

SECTION 3. Effective January 1, 2015, Subchapter K, Chapter 547, Transportation Code, is amended by adding Section 547.617 to read as follows:

Sec. 547.617. MOTORCYCLE FOOTRESTS AND HANDHOLDS REQUIRED.

A motorcycle that is designed to carry more than one person must be equipped with footrests and handholds for use by the passenger.

SECTION 4. Section 662.002(b), Transportation Code, is amended to read as follows:

(b) The program:

(1) shall contain information regarding operating a motorcycle while carrying a passenger; and

(2) may ~~shall~~ include curricula developed by the

H.B. No. 3838

1 Motorcycle Safety Foundation.

2 SECTION 5. Except as otherwise provided by this Act, this

3 Act takes effect September 1, 2013.

**ADOPTED**

MAY 21 2013

*Atay Law*  
Secretary of the Senate

By: Phillips/Hancock

H.B. No. 3838

Substitute the following for H.B. No. 3838:

By: ~~A. Campbell~~

C.S. H.B. No. 3838

A BILL TO BE ENTITLED

1 AN ACT

2 relating to motorcycle equipment and training and the license  
3 requirements for a three-wheeled motorcycle; creating an offense.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. This Act shall be known as Malorie's Law.

6 SECTION 2. Section 521.148(a), Transportation Code, is  
7 amended to read as follows:

8 (a) An applicant for an original Class M license or Class A,  
9 B, or C driver's license that includes an authorization to operate a  
10 motorcycle must furnish to the department evidence satisfactory to  
11 the department that the applicant has successfully completed a  
12 ~~[basic]~~ motorcycle operator training course approved by the  
13 department under Chapter 662. The department shall issue a Class M  
14 license that is restricted to the operation of a three-wheeled  
15 motorcycle if the motorcycle operator training course completed by  
16 the applicant is specific to the operation of a three-wheeled  
17 motorcycle.

18 SECTION 3. Section 545.416(b), Transportation Code, is  
19 amended to read as follows:

20 (b) An operator may not carry another person on the  
21 motorcycle, and a person who is not operating the motorcycle may not  
22 ride on the motorcycle, unless the motorcycle is:

23 (1) designed to carry more than one person; and

24 (2) equipped with footrests and handholds for use by

1 the passenger.

2 SECTION 4. Effective January 1, 2015, Subchapter K, Chapter  
3 547, Transportation Code, is amended by adding Section 547.617 to  
4 read as follows:

5 Sec. 547.617. MOTORCYCLE FOOTRESTS AND HANDHOLDS REQUIRED.  
6 A motorcycle that is designed to carry more than one person must be  
7 equipped with footrests and handholds for use by the passenger.

8 SECTION 5. Section 662.002(b), Transportation Code, is  
9 amended to read as follows:

10 (b) The program:

11 (1) shall contain information regarding operating a  
12 motorcycle while carrying a passenger; and

13 (2) may [~~shall~~] include curricula developed by the  
14 Motorcycle Safety Foundation.

15 SECTION 6. Section 662.006, Transportation Code, is amended  
16 to read as follows:

17 Sec. 662.006. UNAUTHORIZED TRAINING PROHIBITED. (a) A  
18 person may not offer or conduct training in motorcycle operation  
19 for [~~a~~] consideration unless the person is licensed by or contracts  
20 with the designated state agency.

21 (b) A person who violates Subsection (a) commits an offense.  
22 An offense under this subsection is a Class B misdemeanor, except  
23 that the offense is a Class A misdemeanor if it is shown on the trial  
24 of the offense that the defendant has been previously convicted of  
25 an offense under this section.

26 SECTION 7. Section 662.008(b), Transportation Code, is  
27 amended to read as follows:

1           (b) Following denial, suspension, or cancellation of  
2 ~~[Before the designated state agency may deny, suspend, or cancel]~~  
3 the approval of a program sponsor or an instructor, notice and  
4 opportunity for a hearing must be given as provided by:

5                   (1) Chapter 2001, Government Code; and

6                   (2) Chapter 53, Occupations Code.

7           SECTION 8. The change in law made by this Act applies only  
8 to an offense committed on or after the effective date of this Act.  
9 An offense committed before the effective date of this Act is  
10 governed by the law in effect on the date the offense was committed,  
11 and the former law is continued in effect for that purpose. For  
12 purposes of this section, an offense was committed before the  
13 effective date of this Act if any element of the offense occurred  
14 before that date.

15           SECTION 9. Except as otherwise provided by this Act, this  
16 Act takes effect September 1, 2013.

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION**

**May 21, 2013**

**TO:** Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB3838** by Phillips (Relating to motorcycle equipment and training and the license requirements for a three-wheeled motorcycle; creating an offense.). **As Passed 2nd House**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Transportation Code to require the Department of Public Safety (DPS) to issue a Class M license that is restricted to the operation of a three-wheeled motorcycle if the motorcycle operator training course completed by the applicant is specific to the operation of a three-wheeled motorcycle.

The bill would stipulate a motorcycle operator may carry another person on a motorcycle designed to carry more than one person only if the motorcycle is equipped with footrests and handholds for use by the passenger. The bill would require motorcycles designed to carry more than one person to be equipped with footrests and handholds for use by the passenger. The bill would require information on carrying passengers on motorcycles to be included in the state's motorcycle training curriculum.

The bill would create a misdemeanor penalty for individuals providing motorcycle operator training who are not authorized to provide such training by DPS. The bill would also authorize DPS to deny, suspend or cancel the agency's approval of motorcycle operation instructors prior to an administrative hearing.

It is assumed that the costs of implementing the provisions of the bill could be absorbed within existing resources. The bill would take effect September 1, 2013.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 405 Department of Public Safety

**LBB Staff:** UP, SD, AG, ESi, AI, JAW, GDz

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION**

**May 18, 2013**

**TO:** Honorable Robert Nichols, Chair, Senate Committee on Transportation

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB3838** by Phillips (Relating to motorcycle equipment and training and the license requirements for a three-wheeled motorcycle; creating an offense.), **Committee Report 2nd House, Substituted**

<p><b>No significant fiscal implication to the State is anticipated.</b></p>
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The bill would amend the Transportation Code to require the Department of Public Safety (DPS) to issue a Class M license that is restricted to the operation of a three-wheeled motorcycle if the motorcycle operator training course completed by the applicant is specific to the operation of a three-wheeled motorcycle.

The bill would stipulate a motorcycle operator may carry another person on a motorcycle designed to carry more than one person only if the motorcycle is equipped with footrests and handholds for use by the passenger. The bill would require motorcycles designed to carry more than one person to be equipped with footrests and handholds for use by the passenger. The bill would require information on carrying passengers on motorcycles to be included in the state's motorcycle training curriculum.

The bill would create a misdemeanor penalty for individuals providing motorcycle operator training who are not authorized to provide such training by DPS. The bill would also authorize DPS to deny, suspend or cancel the agency's approval of motorcycle operation instructors prior to an administrative hearing.

It is assumed that the costs of implementing the provisions of the bill could be absorbed within existing resources. The bill would take effect September 1, 2013.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 405 Department of Public Safety

**LBB Staff:** UP, AG, ESi, AI, JAW, GDz

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION**

**May 15, 2013**

**TO:** Honorable Robert Nichols, Chair, Senate Committee on Transportation

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB3838** by Phillips (Relating to motorcycle equipment and training requirements.), **As Engrossed**

<p><b>No significant fiscal implication to the State is anticipated.</b></p>
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The bill would amend the Transportation Code to stipulate a motorcycle operator may carry another person on a motorcycle designed to carry more than one person only if the motorcycle is equipped with footrests and handholds for use by the passenger. The bill would require motorcycles designed to carry more than one person to be equipped with footrests and handholds for use by the passenger. The bill would require information on carrying passengers on motorcycles to be included in the state's motorcycle training curriculum.

It is assumed that the costs of implementing the provisions of the bill could be absorbed within existing resources. The bill would take effect September 1, 2013.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 405 Department of Public Safety

**LBB Staff:** UP, AG, ESi, AI, JAW, GDz

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION**

**April 26, 2013**

**TO:** Honorable Joseph Pickett, Chair, House Committee on Homeland Security & Public Safety

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB3838** by Phillips (Relating to motorcycle equipment and training requirements.),  
**Committee Report 1st House, Substituted**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Transportation Code to stipulate a motorcycle operator may carry another person on a motorcycle designed to carry more than one person only if the motorcycle is equipped with footrests and handholds for use by the passenger. The bill would require motorcycles designed to carry more than one person to be equipped with footrests and handholds for use by the passenger. The bill would require information on carrying passengers on motorcycles to be included in the state's motorcycle training curriculum.

It is assumed that the costs of implementing the provisions of the bill could be absorbed within existing resources. The bill would take effect September 1, 2013.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 405 Department of Public Safety

**LBB Staff:** UP, ESi, AI, JAW, GDz

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION**

**April 24, 2013**

**TO:** Honorable Joseph Pickett, Chair, House Committee on Homeland Security & Public Safety

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB3838** by Phillips (Relating to the regulation of motorcycles and motorcycle operators.), **As Introduced**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend the Transportation Code by adding more information on the curriculum on carrying passengers on motorcycles and requirements of a motorcycle designed to carry a passenger.

It is assumed that the costs of implementing the provisions of the bill could be absorbed within existing resources. The bill would take effect September 1, 2013.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 405 Department of Public Safety

**LBB Staff:** UP, ESi, AI, JAW, GDz